



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Yoshiaki TANAKA et al.

Serial No. 10/767,076

Art Unit: 2621

Filed: January 30, 2004

Examiner: Debelie, Mitiku W.

For: RECORDING MEDIUM AND  
SIGNAL PROCESSING  
APPARATUS

Atty Docket: 012/0238

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


This is in response to the Office Action dated September 28, 2007.

It is respectfully submitted that the provisional double patenting rejection under 35 U.S.C. 101 of claims 40-43 of the instant application in view of claims 40-43 of co-pending application 10/767,077 is now moot, in that claims 40 and 41 of the '077 application have been amended to render those claims even more different from the claims of the instant application. To wit, claims 40 and 41 of the instant application recite "a front a channel (Lf, Rf) group" and "a rear channel (Ls, Rs) group", whereas claims 40 and 41 of the '077 application recite "a first channel group" and "a second channel group". With the amendment to claims 40 and 41 of the '077 application, claims 40 and 41 have been amended to include "at least one audio pack" that has "a private header". Those limitations are not present in the claims of the instant application. Accordingly, it is believed that the 35 U.S.C. 101 rejection is now moot.

Being submitted with this Response are respective Terminal Disclaimers for obviating any potential obviousness-type double patenting of the claims of the instant application in view of the claims of the '077 application, and to obviate the obviousness-type double patenting rejection over U.S. patent 6,738,561.

Now that all outstanding issues are believed to have been removed, earlier allowance of the instant application is respectfully solicited.

Respectfully submitted,



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Date: Nov 20, 2007